

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 1602 of 2007()

SC 362/06 OF THE ADDL. SESSIONS COURT, ERNAKULAM

PETITIONER:

KUMARAN, S/O.KRISHNAN,
KADAYATH HOUSE, VEMPILLY P.O.,
PALLIKKARA.

BY ADV. SRI.GEORGE SIMON

RESPONDENT:

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.1602 of 2007

Dated this the 30th day of May, 2007

ORDER

Petitioner is the 6th accused in S.C.No.362 of 2006 on the file of the Additional Sessions Court, Ernakulam, where he faces allegations, inter alia, under Section 308 I.P.C. The co-accused have all been acquitted. The petitioner was not available for trial and therefore the case against him has been split up. According to the petitioner, his absence was not wilful and he is willing to surrender before the learned Sessions Judge. The petitioner apprehends that the learned Sessions Judge may not consider his application for bail on merits, in accordance with law and expeditiously. It is therefore prayed that directions may be issued under Section 482 Cr.P.C to release the petitioner on bail when he so appears before the learned Sessions Judge and applies for bail.

2. It is for the petitioner to appear before the learned Sessions Judge and explain to the learned Sessions Judge the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary.

Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

6. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Sessions Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-